

CF 5001 (1)
(4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(CHHATTISGARH)

06 / 2003

WRIT PETITION NO.

PETITIONERS

1. Guddu Kumar Dhruw, aged about 31 years son of Shri Bipat Kumar, resident of Shankar Nagar, Paani Tanky, Radha Kishan Mandir, Bilaspur (Chhattisgarh)
2. Kamlesh Kumar Yadav, aged about 33 years, son of Shri Bisali Ram Yadav, resident of Qtr No. 166/1, Old Loko Kholi, Jhopdapara, Soni Paan Centre, Bilaspur (Chhattisgarh)
3. Jeevan Lal Naagpure, aged about 33 years, son of Shri Radhelal Naagpure, resident of Chandrashekhar, Aazad Nagar, Deory Khurd, Ward No.15, Distt. Bilaspur (Chhattisgarh)
4. S. Gangaiya, aged about 32 years, son of Shri Challa Rao, resident of Chandra Sekhar, Deorikhurd, Ward No.15, Distt. Bilaspur (Chhattisgarh).
5. Jaisarkar, aged about 20 years son of Shri Ramu Sarkar, resident of Chandrasekhar Azad

P. R. No. 3922/03
Presented by Shri. R. S. Nalk
dated 17.12.03

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Shri
17/12/03

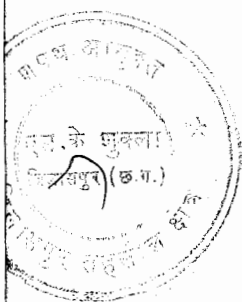
Clerk to
VINAY HARIT
Senior Central Government Standing Counsel
CHHATTISGARH HIGH COURT



2
5

Nagar, Deorikhurd, Distt.
Bilaspur (Chhattisgarh)

6. Mahendra Sidar, aged about 23 years, son of Shri Milauram Sidar, resident of Cyhandrasekhar Azad Nagar, Deorikhurd, Distt. Bilaspur (Chhattisgarh).
7. Sugreev Das, aged about 38 years, son of Shri Ganesh Das, resident of Deorikhurd, behind Housing Board Colony, Barkhadan, Distt. Bilaspur (CG)
8. Dwarika Prasad, aged about 32 years, son of Shri Jairam Yadav, resident of near Torwa Primary School, Patel Mohalla, Ramesh Paan Centre, Bilaspur (CG)
9. Ramayan Sahu, aged about 22 years, son of Jhadiram Sahu, resident of Behind Deorikhurd Housing Board Colony, Bar Khadan, Bilaspur (Chhattisgarh)
10. Rajesh Kumar Nagpure, aged about 26 years son of Shri H.R. Nagpure, resident of Near Old Power House, Torwa, Hanuman Rice Mill, Bilaspur (C.G.)



11. Ram Prasad Sahu, aged about 31 years, son of Shri Khor Behra Sahu, resident of behind Deorikhurd Housing Board Colony, Barkhadan, Bilaspur (Chhattisgarh).
12. Ratiram Singh, aged about 28 years, son of Shri Baran Singh, resident of Udangi, Post Mahuda (Akaltara) Distt. Janjgir-Champa (Chhattisgarh).
13. Moti Ram aged about 30 years, son of Shri Narayan Singh, Udangi, Post Mahuda (Akaltara) Distt. Janjgir-Champa (C.G.).
14. Ashok Singh, aged about 33 years, son of Shri Sada Singh, resident of Loko Kholi, Jhopda Para, Soni Paan Centre, Bilaspur (Chhattisgarh).
15. Gulab Chand, aged about 26 years son of Shri Girdhari Lal, resident of Old Loko Kholi, Qtr No. 70/2 Bilaspur (C.G.)
16. Shiv Kumar, aged about 28 years son of Shri Kanhaiyalal, resident of Chandrasekhar, Aazad Nagar, Deorikhurd, Ward No. 15, Bilaspur (Chhattisgarh).



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17. Laxman Yadav, aged about 38 years son of Shri Mohan Lal Yadav, resident of Shakar Nagar, Radha Kishan Mandir, Railway Crossing, Bilaspur, Ward No.37, Distt. Bilaspur (Chhattisgarh).
18. Suresh Kumar Dhruw, aged about 38 years son of Shri Saiyaram, resident of Shankar Nagar, Chuchuiyapara, Qtr No. 66/T Railway Colony, Bilaspur (Chhattisgarh).
19. Shiv Kumar Paal, aged about 31 years, son of Shri Bajrangbali Paal, resident of Ganesh Nagar, Chuchuiyapara, Near Mahamaya Mandir, District - Bilaspur (Chhattisgarh).
20. Suresh Kumar, aged about 23 years, son of Shri Baldau Dhruw, resident of Ganesh Nagar, Nayapara, Near Kaali Mandir, Distt. Bilaspur (C.G.)
21. Sonu Sahu, aged about 31 years son of Shri Sidyaal Sahu, resident of Old Loko Kholi, Jhopda Para, Soni Paan Centre, Bilaspur (Chhattisgarh).

Shri

22. A Ram Yadav, aged about 33 years, son of Shri Bisal Yadav, resident of village Udangi, Post Office Mahuda, (Akaltara) Distt. Janjgir-Champa (C.G.)
23. Sohan Singh, son of Shri Sunhar Singh, aged about 19 years, resident of Loko Kholi, Jhopdapara, Near Soni Paan Centre, Ward No.55, District - Bilaspur (Chhattisgarh)..
24. R.A. Swami, aged about 33 years son of Late R.V. Rao, resident of Qtr No. 334/16, Indira Colony, Sanjay Gandhi Ward, behind Taarbahar, Bilaspur (Chhattisgarh).
25. Panchram, son of Shri Deendayal, aged about 22 years, resident of village Udangi, PO. Mahuda, (Akaltara), Distt. Janjgir-Champa (CG)
26. Amar Singyh, son of Shri Ramdayal, aged about 22 years, resident of Udangi, PO. Mahuda, (Akaltara), Distt. Janjgir-Champa (CG)
27. Durga Prasad, aged about 23 years, son of Shri Chandrika

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Prasad, Ganesh Nagar,
Chuchuiyapara, Mahamaya
Mandir, Ward No.39 Bilaspur
(Chhattisgarh)

28. Jaishankar Sriwas, aged about
38 years, resident of Prasad,
Ganesh Nagar, Chuchuiyapara,
Mahamaya Mandir, Ward No.39
Bilaspur (Chhattisgarh)

29. Phoolchand Rajak, aged about
27 years son of Shri Girdhari
Lal, resident of Old Loko Kholi,
Jhopda Para, Near Soni Paan
Centre, Bilaspur, Ward No.55
(Chhattisgarh)

30. Mukesh Kumar, son of Shri
Janak Prasad Singh, aged about
29 years, resident of Gajra
Chowk, Loko Kholi, Qtr No.
93/14, Bilaspur (C.G.)

31. Pradeep Kumar Singh, aged
about 23 years, son of Shri
Janak Prasad Singh, resident of
Gajra Chowk, Loko Kholi, qtr
No. 93/14, District- Bilaspur
(Chhattisgarh).

32. Prahlad Mahananda, aged about
22 years son of Shri Ramu
Mahananda, resident of Old

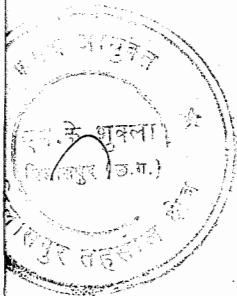


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Loko Kholi, Jhopdapara, Soni
Paan Centre, Ward No. 55,
Distt. Bilapsur (Chhattisgarh)

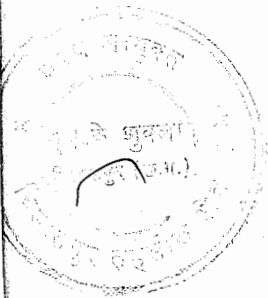
33. Dinesh Kumar Vaishnav, aged about 23 years son of Shri Aldhar Vaishnav, resident of village - Risda, P.S. Masturi, Distt. Bilaspur (Chhattisgarh).
34. Manharan Sahu, aged about 31 years son of Shri Panch Ram Sahu, resident of village - Risda, P.S. Masturi, Distt. Bilaspur (Chhattisgarh).
35. Sanat Kumar Yadav, aged about 26 years son of Shri Anant Singh, resident of Shankar Nagar, Chuchuhiyapara, Near Radha Krishna Mandir, Bilaspur (Chhattisgarh).
36. Banti Yadav, son of Shri Bhujbal Yadav, aged about 19 years, resident of Ganesh Nagar, Dhooma Road, Bilaspur Qtr No. 205, Distt. Bilaspur (C.G.)
37. Munna Yadav, aged about 25 years, son of Shri Jantu Yadav, resident of Shakar Nagar, Chuchuhiyapara, Radha Krishna Mandir, Bilaspur (CG)



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38. Shakharam yadav, aged about 22 years son of Shri Bharatlal Yadav, resident of Shankar Nagar, Chuchuhiapara, Bilaspur Ward No.37 (Chhattisgarh)
39. Ram Prasad, aged about 22 years, son of Shri Bhujwal Yadav, resident of Shankar Nagar, Chuchuhiapara, Radha Krishna Mandir, Bilaspur (CG)
40. Rajendra Kumar yadav, aged about 31 years, son of Shri Sawat Ram yadav, resident of Chandan Paan Centre, Hemunagar, Ward No. 38, Railway Over Bridge, Bilaspur (Chhattisgarh)
41. Gareeb Das, son of Shri Sant Das, aged about 31 years, resident of Chuchuhiapara, Railway Crossing, Rang Factory, Bilaspur (Chhattisgarh).
42. Kamal Kumar Yadav, son of Shri Kanhaiyalal Yadav, aged about 27 years resident of Old Loko Kholi, Qtr No.71, Bilaspur (Chhattisgarh).



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43. Prakash yadav, aged about 31 years, son of Shri Banauram Yadav, resident of Shankar Nagar, Chuchuhiapara, Lakky Bharat Garage, Ward No.37, Distt. Bilaspur (Chhattisgarh).
44. Raju Rao, aged about 32 years, son of Shri Rawana Rao, resident of Railway Colony, Near Qtr No. 24/A, Bangla Yard, Bilaspur (Chhattisgarh)
45. Kamal Kumar Yadav, son of Shri Bisali Ram yadav, aged about 29 years, resident of qtr No. 166/1, Bilaspur (Chhattisgarh).
46. C.H. Srinivas, aged about 31 years son of C.H. Sanyasi Rao, resident of Baara Kholi, near Durga Mandir, Qtr No. 315, near signal office, Bilaspur (CG)
47. Ravi Das, son of Late Son Das, aged about 28 years, resident of behind Block No. 153. Potor Kholi, Jhopadi, Bilaspur (CG)
48. Vinod Kumar, aged about 23 years, son of Shri Santram, resident of Jopdapara Near Bengali Hotel, Bilaspur (C.G.)

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49. Ravish Naag, aged about 37 years son of Late Harishankar, resident of Qtr No. 109/1A, Bungalow Yard, Railway Colony, Bilaspur (Chhattisgarh).

50. Radheyshyam, aged about 26 years son of Shri Mohan Lal, resident of c/o. Biharilal Prajapati, Shanti Ngar, Sakri PO Sakri, P.S. Chakarbhatta, Distt. Bilaspur (Chhattisgarh).

VERSUS

RESPONDENTS

1. Union of India, through : Its Secretary, Ministry of Railway, New Delhi.
SR.
2. The General Manager, South Eastern Central Railway, Bilaspur Railway Zone, Bilaspur (Chhattisgarh).
SR.
3. The Divisional Railway Manager, South Eastern Central Railway, Bilaspur Railway Zone, Bilaspur (Chhattisgarh).
SR.
4. The Sr. Divisional Commercial Manager, South Eastern Central Railway, Bilaspur Railway Zone, Bilaspur (Chhattisgarh).
SR.

226
226/2
**WRIT PETITION UNDER ARTICLES 227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN
NATURE OF MANDAMUS, CERTIORARI OF ANY OTHER
WRIT OF LIKE NATURE**

The petitioners respectfully submit as under:-

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 6 of 2004

Petitioners : Guddu Kumar Dhruw & others

Versus

Respondents : Union of India & others

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Shri Kishore Bhaduri, Advocate for the Petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the
respondents.

ORDER

(Passed on 28th of August, 2006)

1. Learned counsel appearing for the petitioners submits that the case of the present petitioners are squarely covered by decision of Hon'ble the Supreme Court in the case of National Federation of Railway Porters, Vendors & Bearers Vs. Union of India and others¹.
2. The Supreme Court has recently laid down certain principles in the matter of employees, employed on temporary basis in the case of Secretary, State of Karnataka and others Vs. Umadevi (3) and others² and thereafter further followed in the case of Mineral Exploration Corporation Employees' Union Vs. Mineral Exploration Corporation Limited and another³ and National Fertilizers Limited and others vs. Somvir Singh⁴.

3. Be that as it may, the prayer of the petitioners to submit the representation, as stated above is allowed. On such representation being filed by the petitioners, the respondents/authorities may consider the said representation, accordance with law, on its own merit.
4. For the reasons stated-above, the writ petition stands disposed of accordingly. No order as to costs.

Bablu

Sd/-
Satish K. Agnihotri
Judge

¹(AIR 1995 Supreme Court 1617)

²{(2006) 4 SCC 1}

³{JT 2006 (7) SC 151}

⁴{(2006) 5 SCC 493}